

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

AUG 22 2012

David J. Bradley, Clerk of Court

United States of America

v.

Ida PHAM,
Hung NGUYEN,
Truong LAM and
Minh Quang PHAM

Case No.

H12-761M

W

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 21, 2012 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

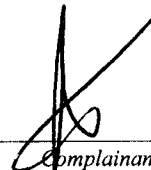
21 U.S.C. § 841 & 846

Offense Description

to knowingly and intentionally manufacture, distribute, or possess with the
intent to manufacture, distribute, or dispense 1000 or more marijuana plants
and conspiracy

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

Darren Butler, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

8-22-12

City and state:

Houston, Texas



Judge's signature

Nancy K. Johnson, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Darren Butler, being duly sworn, depose and state as follows:

1. I am a Special Agent of the United States Drug Enforcement Administration within the meaning of Title 18, United States Code, § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for offenses enumerated in Title 18, United States Code, § 2516.
2. I have been a Special Agent for the Drug Enforcement Administration (DEA) for over nine (9) years. Prior to being employed by the DEA, I was employed as a Police Officer for over four (4) years, in Prince George's County, Maryland. I received four (4) months of training in narcotics trafficking investigations and related legal matters at the DEA Training Academy in Quantico, Virginia. I am currently assigned to the Houston Field Office, in Houston, Texas. I have participated in numerous investigations involving the illegal manufacture, possession and distribution of narcotics and money laundering. I have participated in the investigation of the offenses more particularly discussed below, and reviewed reports prepared by other agents of the DEA and other law enforcement agencies.
3. I have received courses of instruction from the United States DEA, and other law enforcement agencies, relating to investigative techniques and the conduct of narcotics and financial investigations. I have participated in and have conducted investigations which have resulted in the arrests of individuals who have smuggled, received, distributed and manufactured controlled substances, as well as the seizure of illegal drugs and proceeds derived from the sale of those illegal drugs. In addition, in

connection with these and other cases, I have conducted follow-up investigations concerning the concealment of narcotics produced assets, money, bank records, etc., and the identification of co-conspirators through the use of ledgers, telephone bills and records, and photographs, as related to drug trafficking and money laundering.

4. I have been associated with several investigations involving the interception of wire communications. I am familiar with the ways in which those engaged in the trafficking of controlled substances conduct their business, including, but not limited to, their methods of manufacturing, importing and distributing controlled substances, their use of cellular telephones, digital display paging devices, numerical codes, and code words to conduct their transactions. I am also familiar with the ways narcotics traffickers and others receiving money from narcotics traffickers collect, conceal, and launder the proceeds of their illegal drug trafficking activities, including proceeds derived from the sale and distribution of controlled substances.

5. Based on my training, experience, and participation in controlled substance and money laundering investigations which have resulted from violations of the United States federal drug and money laundering laws, I prepared this Affidavit in support of a criminal complaint charging with violating Title 21 USC § 841 and § 846, to wit, to knowingly and intentionally manufacture, distribute, or possess with the intent to manufacture, distribute, or dispense 1000 or more marijuana plants and conspiracy.

BASIS FOR FACTS CONTAINED WITHIN THIS AFFIDAVIT

6. This Affidavit is based upon both direct and personal knowledge derived from your Affiant's investigation, on information provided to your Affiant by other agents and investigators, and on information provided to the Affiant by persons believed by the Affiant to be credible and to possess accurate and current information.

BACKGROUND OF THE INVESTIGATION

7. In July 2011, a Cooperating Defendant (CD2) was charged in a Criminal Information with one count of Possession With Intent to Distribute a Controlled Substance after being arrested for operating several marijuana grow houses in the Houston, TX area. After CD2's arrest, CD2 provided the following information to law enforcement officials relative to the business organization of marijuana grow houses in the Houston, TX area. CD2 stated this information was obtained through personal experience and from associates and acquaintances with direct involvement in marijuana grow sites or hydroponic supply stores. It is important to note that CD2's information is further supported by your Affiants experience investigating multiple hydroponic marijuana cultivation organizations in the Houston area over the past few years.

a. Single-family residences are most often used as indoor marijuana cultivation sites in the Houston area. Asian organized crime groups are known to operate large scale and sophisticated indoor cultivation operations throughout the Houston area.

b. Frequent visits to a local hydroponic supply store are essential for anyone operating an indoor grow site. Wholesale hydroponic distributors do not sell supplies to individuals over the internet. Hydroponic distributors will only sell to a business that appears to be legitimate and will require hydroponic store

owners to have a store front, possess a license, and have a DBA (which your affiant knows is an assumed name certificate showing the individual is “doing business as” a company).

c. Major wholesale distributors require a newly established store to make a minimum first purchase of \$4,000. CD2 has heard of major distributors sending a representative to new hydroponic shops to meet store owners and verify their existence. Smaller distributors do not have a minimum purchase requirement but do require a photo of the store front and proof of a DBA.

d. Because of the above internal oversight of the industry by the hydroponic supply distributors, criminal organizations involved in marijuana grows will open their own store to obtain the necessary supplies and equipment. Other stores are similar to a co-op, in which an individual opens the shop to sell to known and trusted associates also in need of supplies and equipment. Either way, the shop and its “customers” often involve tight knit relationships, making it difficult for law enforcement to infiltrate these groups. CD2 believes that no one with a legitimate purpose frequents these shops. Rather, nearly all of their traffic involves persons involved in illicit marijuana grow operations of various levels of sophistication.

e. These shops provide marijuana cultivators with needed supplies such as nutrients, soil, lights, fans, carbon dioxide (CO₂), irrigations, clone machines, and pots. Large scale growers are known to rent moving trucks to load hundreds of bags of soil and other material, which are often off-loaded at a grow site in the middle of the night.

f. Asian organizations form local crews by using family members or other highly trusted associates that are transferred to Houston from California or

another state. Crew member roles involve leasing grow site locations, obtaining utility service, acting as grow site tenders, overseeing area operations and supplying sites with necessary grow materials. Asian groups utilize leased residences in various suburban areas of Houston as their grow sites.

g. A pound of hydroponically grown marijuana (hydro) sells for \$3,000 - \$6,000 in Houston, TX because of its high THC content. THC is the active ingredient in marijuana. As a comparison, Mexican grown marijuana sells for \$300 - \$550 per pound in Houston, TX.

HISTORY OF IDA PHAM'S ASSOCIATION WITH INDOOR MARIJUANA GROW OPERATIONS

8. The following is a history of **Ida PHAM's** involvement in the cultivation, harvesting, and sale of hydroponically grown marijuana, and her association with other marijuana cultivators. The proceeding paragraphs detail specific events that reinforce your Affiant's assertion that **Ida PHAM** and her associates have expanded their illicit marijuana grow operations into the Houston, Texas area.

9. In November, 2005, Seattle law enforcement agents investigating the drug trafficking activities of **Dinh LE**, who was involved in the operation of marijuana grow houses in the Pacific northwest, discovered that the front companies which employed **Dinh LE** and his coconspirators were owned by **Ida PHAM's** family. Investigation further revealed that the houses used in **Dinh LE's** grow operations were also owned by **Ida PHAM's** family. In his Plea Agreement filed August 27, 2008 in case number CR08-282JLR in the Western District of Washington, **Dinh LE** admitted that the real property located at 5816 South Pilgrim St., Seattle, Washington was purchased with proceeds of the narcotics enterprise. This property had been purchased by **Ida PHAM's** father and put in **Dinh LE's** name. After his arrest, **Dinh LE** signed a Quit Claim Deed transferring the

property to **Ida PHAM's** father. Documents obtained from the Washington State Department of Employment Security showed that **Dinh LE** was "employed" by Saver Furniture Store which is owned by **Ida PHAM's** family.

10. In the same case, **Phuong TRAN**, the wife of **Dinh LE**, pled guilty and was sentenced to a \$30,000 criminal fine. The fine was paid with a check drawn on the Bank of America by **Ida PHAM's** mother.

11. On 9/5/2006, **Ida PHAM** was arrested at 2337 Talbot Crest Drive South, Renton, WA where US Marshalls found an indoor marijuana grow consisting of approximately 600 plants while attempting to arrest a wanted subject. Records from the King County Tax Assessor's Office showed that the property had been acquired in April 2006 by **Ida PHAM's** father.

12. In March, 2009, law enforcement officers located an indoor marijuana grow at 6921 South Langston Road, Seattle, WA. The grow operation consisted of 314 marijuana plants. Investigation reveals that this house was owned by **Ida PHAM's** aunt (**Hoa VU**) who was residing in Texas at the time.

13. In November, 2010, a search warrant was executed at 8427 South 122nd Street, Seattle, WA. This residence was owned by **Ida PHAM** and her vehicle had been observed on numerous occasions pulling into the garage, remaining for short periods of time, and leaving. During the execution of the search warrant, officers found a marijuana grow consisting of approximately 400 plants.

14. On 3/19/2011, the Boise, Idaho Interdiction Team stopped a van bearing Indiana license 12049293. The male driver was identified as **Hung NGUYEN** and the female passenger was identified as **Ida PHAM**. Officers detected the smell of marijuana and obtained a search warrant for the van resulting in the seizure of approximately 52

pounds of marijuana in vacuum sealed plastic bags. They also found equipment and clone cuttings (used to start new marijuana plants) commonly found in indoor marijuana grow houses.

15. On August 2, 2011, law enforcement officers stopped a blue Lexus Sedan for a traffic violation. After initially lying to the police about his identity, the driver was identified as Hai Van VU, **Ida PHAM's** father, and he was ultimately arrested for Driving Without a License. A subsequent search of the vehicle resulted in the seizure of documents relating to business / warehouse space currently for lease or sale in the Houston, TX. In addition, there was an application for a business license in the name of Hoa VU, **Ida PHAM's** aunt, for a business in Texas called "Sungreen Supply". A search of Harris County Assumed Names Records shows that Hoa VU, acquired the assumed name of "Sungreen Supply" at **20530 Sunshine Lane, Ste B, Spring, TX 77388** on July 7, 2011.

16. On October 12, 2011, **Ida PHAM** and **Hung NGUYEN** obtained an assumed name of **GREEN EARTH SUPPLY** at **20530 Sunshine Lane, Unit B, Spring, TX 77388**, which is believed to be used as a front to store materials used in **Ida PHAM's** hydroponic grow house operations. It should be noted that this address is the same used by Hoa VU to obtain a business license for "Sungreen Supply," mentioned in the previous paragraph.

17. Surveillance has shown that **20530 Sunshine Ln, Spring, TX 77388** is a commercial warehouse complex consisting of glass fronted business offices with warehouses attached to the side of the business offices. Records of the Texas Comptroller of Public Accounts show that **GREEN EARTH SUPPLY** received a sales tax permit on October 14, 2011 but that no sales tax returns have been filed. Records show that no sales tax returns have been filed for the fourth quarter of 2011 or the first quarter of 2012.

18. Surveillance by law enforcement agents between January and August 2012 shows that **GREEN EARTH SUPPLY** is not open to the general public. The surveillance shows that, about twice a week, **Ida PHAM** and **Hung Huy NGUYEN** will arrive in their vehicle at the location and, shortly thereafter, another vehicle will arrive. Either **Ida PHAM** or **Hung Huy NGUYEN**, will physically open the warehouse garage door(s) and one or both of the vehicles will enter the warehouse. The garage doors will be shut. Generally, after less than ten minutes the doors will reopen and the vehicles will be driven out at which time one of the subjects closes the doors.

19. On one such occasion, February 29, 2012, a brown Saturn bearing Texas License plate #CR3H906 was observed arriving at the front of **GREEN EARTH SUPPLY** within minutes of **Ida PHAM's** arrival at the shop. After being loaded with several containers of chemical fertilizers, the Saturn drove away from the shop. It is important to note that on July 24, 2012, the same Saturn was seen by Agents to arrive at a suspected "grow house" located at 24006 Lester Gate Drive in Spring, TX. Upon arrival, the Saturn pulled directly into the garage, immediately shutting the door behind it. Agents first identified 24006 Lester Gate Drive as a suspected "grow house" after finding the address of this residence in the possession of two individuals arrested for the indoor cultivation of approximately 1600 live marijuana plants at two separate residences on December 29, 2011. On August 21, 2012, Agents executed a search warrant at 24006 Lester Gate Drive, Spring, TX and discovered an active clandestine marijuana grow consisting of 575 living marijuana plants.

20. Surveillance of **Ida PHAM** and **Hung NGUYEN** reveals that they routinely visited a residence located at **519 Remington Heights in Houston, TX**. Agents first followed **Ida PHAM** and **Hung NGUYEN** to this residence in April 2012. Upon arrival at the Remington Heights residence, **Ida PHAM** and **Hung NGUYEN** typically drive their vehicle into garage, close the garage door, stay for an hour or two, and then leave. On June 8, 2012, Harris County Sheriff's Deputies were called to **519 Remington Heights** from a

concerned citizen who lives in the area. The citizen reported that the residence may have been recently burglarized due to the fact that the front door had been ajar for several hours. Upon arrival, nobody was present inside the house and Deputies discovered an active, indoor marijuana grow operation consisting of 100 live marijuana plants. While searching the property Deputies noted that, while the equipment in the grow rooms appeared in place and unscathed, the majority of the plants had been removed from the residence. Approximately two weeks later, on June 25, 2012, **Ida PHAM** and **Hung NGUYEN** were followed from their residence at **20207 Louetta Crossing Drive** to **519 Remington Heights**. Upon arrival, **Ida PHAM** and **Hung NGUYEN** pulled their vehicle into the garage, closing the door behind them.

21. **Ida PHAM** has obtained a Texas identification card and listed her residence as **20207 Louetta Crossing Dr., Spring, TX 77388**, further indicating that her organization is planning a permanent relocation to the Houston, TX area. Her criminal history report shows that there is an outstanding warrant for her in Boise, Idaho relative to the information shown in paragraph 14 above. Surveillance of **20207 Louetta Crossing Drive** between January and August 2012 indicates that **Ida PHAM** and **Hung NGUYEN** reside at this residence. On August 21, 2012, as detailed in paragraph 37a below, Agents executed a search warrant at this residence and located a clandestine marijuana grow consisting of 397 living marijuana plants.

ASSOCIATION OF DEREK NG, TRUONG LAM AND SUNRISE GARDEN LTD TO IDA PHAM

22. On April 27, 2006, **Derek NG** incorporated Suntek Garden Supply, LLC with the Washington Secretary of State. **Derek NG** is shown as the sole Member of the LLC. Both **Derek NG** and Suntek Garden Supply, LLC show their address as 15420 Ambaum Blvd SW, Burien WA 98166. Records from the King County Department of Assessments show that **Derek NG's** wife (Loan LE) purchased 15420 Ambaum Blvd SW, Burien WA 98166 on 9/17/2007 for \$455,000 through a Statutory Warranty Deed.

The corporation became inactive on December 29, 2008 after intense law enforcement scrutiny and its charter expired on April 30, 2009. Suntek Garden Supply, LLC supplied hydroponic growing supplies to known marijuana growers in the Seattle, WA area.

23. On June 15, 2011, **Ida PHAM's** mother (Ngan PHAM) was observed picking up **Derek NG** and Loan LE at the SeaTac Airport in Seattle. Subsequent records checks revealed that **Derek NG** and Loan LE had just flown into Seattle from Houston, Texas. The couple had only one small hand-carry bag. Ngan PHAM took them to the Jumbo Seafood Restaurant which is owned by **Ida PHAM's** family. About an hour later, Ngan PHAM, **Derek NG**, and Loan LE went together to **Ida PHAM's** residence located at 11232 Rainier Avenue South, Seattle, WA. When they left **Ida PHAM's** residence, Loan LE and **Derek NG** drove in a separate vehicle from Ngan PHAM, but at a stop for gas, Ngan PHAM paid for the gas for the vehicle driven by **Derek NG**.

24. On October 24, 2011, **Derek NG** and Loan HUYNH established **SUNRISE GARDENS LTD** at 22630 Kuykendahl Rd., Spring, TX 77389 which was identified through surveillance as a storefront which supplied hydroponic equipment to marijuana grow houses in the Houston, TX area. Investigation reveals that **SUNRISE GARDENS LTD** has been closed since July 31, 2012 and the store's entire inventory has been moved to a storage warehouse located at 7527 Root Road, Unit E, Spring, TX.

25. Until August 20, 2012, **Derek NG** currently resided at 14723 T.C. Jester Blvd, apartment 933, Houston, TX. Information in his leasing file shows the following:

- a. A contract dated October 21, 2011 shows a move-in date of November 7, 2011. Tenant 1 is shown as Loan HUYNH (the co-owner of the assumed name for Sunrise Gardens Ltd.) and Tenant 2 is shown as **Derek NG**.
- b. Notations showing that Loan HUYNH did not move into the apartment.

c. Under "Employer" **Derek NG** states that he is the owner of Sunboss Wholesale / Sunboss Enterprises with an e-mail address of sunbosswholesale@yahoo.ca. (It should be noted that the ca in the email address refers to a Canadian email account.) **Derek NG** submitted a payroll statement from Sun Boss Enterprises Ltd, Vancouver, Canada which indicates he earns \$4,000 per month. Sunboss Enterprises has been identified as a wholesale supplier of hydroponic growing equipment.

26. Department of Homeland Security (HSI) reported that in December, 2011, Sun Boss Enterprises Ltd was shown as the shipper on the manifest of four containers of hydroponic grow equipment destined for **SUNRISE GARDENS LTD at 22630 Kuykendahl Road, Spring, TX**. HSI also found a business card in the shipment showing Sunboss Enterprises Ltd., **Derek NG** with a cell phone number of (604) 339-7583.

27. Toll analysis shows that during the month of February 2012, there were six telephone calls between a telephone used by **Ida PHAM's** mother (Ngan PHAM) and (604) 339-7583, the number shown as **Derek NG's** cell phone number on his business card.

28. According to Harris County assumed names records, **22630 Kuykendahl Road, Spring, TX 77389** was the location of **SUNRISE GARDENS LTD**, an assumed name, file number V101396, which was acquired on October 24, 2011 by Loan HUYNH and **Derek NG**, also showing addresses of **22630 Kuykendahl Rd, Spring, TX 77389**. Texas Secretary of State Business records show that on November 11, /2011, a Certificate of Formation-Limited Liability Company was issued for **SUNRISE GARDENS LTD** showing **Derek NG** as a Managing Member using an address of **22630 Kuykendahl Road, Spring, TX 77389**. **Derek NG** is also shown as the organizer of the business. This business supplies equipment and chemicals used in hydroponic gardening and, although it was ostensibly

open to the public, DEA surveillance shows that the vast majority of the businesses “customers” were individuals related to marijuana grow house operations related to **Hein LE**, who has been identified as a close associate of **Derek NG**. Subsequent investigation has identified **Hein LE** as a large scale cultivator of marijuana who operates or facilitates the operation of multiple grow houses in the Houston area.

29. Surveillance has shown that **Derek NG** has a close relationship with a female named **Hien LE**. **Hein LE** has been seen at **SUNRISE GARDENS LTD** as well as at **14723 T.C. Jester Blvd., Houston, TX apartment 933** which is **Derek NG’s** apartment. Between May and June 2012, **Hein LE** has been seen to spend the night at **Derek NG’s** apartment. **Hein LE** previously resided at 14545 Bammel N Houston, Apartment #701. Based on leasing records at 14545 Bammel N Houston, Houston, TX, **Hein LE** was the lessee or was listed as a reference for the lessee’s of the following apartments:

a. Apartment 701 – Tenant was **Hein LE** showing a date of birth (DOB) of 4/16/1969. She is not a US citizen.

b. Apartment 604 – The lease agreement is dated May 27, 2011. The tenant was **Johnny NG** who currently resides at 16414 Steubner Airline Road #703 in Houston, TX. **Johnny NG** provided a move out notice on January, 7, 2012. Email communications in the file indicate that when **Johnny NG** moved out, he was residing with his brother, “Thang”, at 9922 Valance Way, Conroe, TX. **Johnny NG** used email address johnnyhien6518@hotmail.com. His prior address (before the Bammel N. Houston address) was in Woodbridge, Ontario (Ontario is a province / state in Canada) and his forwarding address after moving out of the Bammel N. Houston apartment was in Toronto, Ontario. It should be noted that both **Johnny NG** and **Thang DOAN**, who resides at 9922 Valance Way, have been identified as suspected marijuana cultivators who operate and facilitate the

operation of multiple, large scale, indoor marijuana grows in the greater Houston area.

c. Apartment 1907 – The lease agreement is dated August 26, 2011. The tenant was **Dinh LE** showing his prior employer as Saver Furniture, 4208 Rainer Ave South, Seattle from 1998-2011. It should be noted that Saver Furniture is owned by **Ida PHAM's** father. **Dinh LE's** move out date from the apartment is shown as November 30, 2011. As noted in paragraph 16 above, **Dinh LE** was previously arrested in a grow house owned by **Ida PHAM's** father on December 2, 2005. It should be further noted that **Dinh LE** was arrested again on March 27, 2012 in Houston, TX in connection with the seizure of 1038 live marijuana plants from two separate residences.

d. Apartment 1703 – The lease is dated July 12, 2011. The tenant is shown as **Vu TUYET** with a former address in Woodbridge, Ontario, Canada. On the lease agreement, **TUYET's** address of employment is listed as 9922 Valance Way, Conroe, TX, and "Johnny" is listed as the "manager". 9922 Valance Way is the residence of **Thang DOAN** who has been identified as a suspected marijuana cultivator who operates and facilitates the operation of multiple, large scale, indoor marijuana grows in the greater Houston area. The address at 9922 Valance Way is a residence and not a business.

30. On March 13, 2012, law enforcement officers executed a search warrant at 8130 Edenwood Drive in Spring, Texas, which contained an active indoor marijuana grow operation. The warrant resulted in the seizure of 342 live marijuana plants and viable root systems. Also seized were a pair of black athletic pants and a receipt from Home Depot, 4159 FM 1960 West, Houston, TX for the purchase of Bonide Rooting Powder. Based on information gleaned from the aforementioned receipt, Home Depot subsequently provided store surveillance footage showing **Hein LE**, wearing the black athletic pants, purchasing the Bonide Rooting Powder. On December 16, 2011, prior to

the execution of the aforementioned search warrant, **Hein LE** and her vehicle had been observed arriving at the residence and pulling into the garage.

31. Surveillance routinely showed **Hein LE, Thang DOAN** and **Gioi NGUYEN** arrive at **SUNRISE GARDENS LTD** located at **22630 Kuykendahl, Spring, TX**, where they stayed for periods of time ranging from minutes to hours. After leaving the warehouse, surveillance routinely showed **Hein LE, Thang DOAN** and **Gioi NGUYEN** driving to various houses which are suspected indoor marijuana cultivation sites. Upon arriving at the suspected grow houses, **Hein LE, Thang DOAN** and **Gioi NGUYEN** would drive their respective vehicles into the garages of the suspected grow houses and the garage door would be closed. After a period of time, the garage door would open and **Hein LE, Thang DOAN** and **Gioi NGUYEN** would drive away, often returning immediately to **SUNRISE GARDENS LTD** at **22630 Kuykendahl, Spring, TX**.

32. On July 11, 2012 surveillance of **SUNRISE GARDENS LTD** at **22630 Kuykendahl, Spring, TX** showed an individual later identified as **Truong LAM** arrive at the business driving a rented Chevy Malibu. Surveillance then showed **Truong LAM** and **Derek NG** load several large boxes from the shop and from **Hein LE's** van into **Truong LAM's** rental vehicle. Surveillance of **Truong LAM** after he left **SUNRISE GARDENS LTD** shows that he picked up **Thi Thu NGUYEN** and drove to an apartment complex located at **2851 Wallingford Drive, , Houston, TX**. Upon arrival, surveillance showed that **Truong LAM** and **Thi Thu NGUYEN** unloaded several boxes of the hydroponic growing equipment from the vehicle and carried them into to apartment **1208**. After carrying several boxes into the aforementioned apartment, **Truong LAM** and **Thi Thu NGUYEN** transferred the remaining boxes from the rental car to another vehicle in the parking lot, and drove out of the complex in tandem. Subsequent investigation reveals that **2851 Wallingford Drive, Apt 1208, Houston, TX** is **Truong LAM's** residence, and shows that **Thi Thu NGUYEN** is a Canadian National from Vancouver, British Columbia. It is important to note that investigation has further identified **Truong LAM** as a longtime associate of

Derek NG, and a known marijuana cultivator convicted in federal court of Conspiracy to Manufacture Marijuana in Seattle, Washington on March 20, 2009. Investigation further shows that **Truong LAM** is currently on supervised release in relation to that conviction.

33. On July 12, 2012 surveillance of **Derek NG's** residence at **14723 TC Jester Blvd, Apt 933, Spring, TX 77379** shows that **Truong LAM** arrived in the complex driving the rental vehicle he was observed in the previous day. Surveillance then showed that **Truong LAM** entered **Derek NG's** apartment. A short while later, surveillance showed **Derek NG** and **Truong LAM** exit the apartment and enter **Hein LE's** van, which was parked in the lot outside **Derek NG's** apartment building. **Truong LAM** then entered the driver's seat and **Derek NG** entered the front passenger's seat. At this time, **Truong LAM** and **Derek NG** were followed to **SUNRISE GARDENS LTD** at **22630 Kuykendahl, Spring, TX**. Upon their arrival, **Derek NG** exited the vehicle, unlocked the front door, and entered the business. **Truong LAM** then drove the van around to the side of the building by the loading bays. Approximately twenty minutes later, **Truong LAM** drove the vehicle around to the front of the store, leaving the back hatch of the van open. Surveillance then showed several large boxes in the back of the van. Several minutes later, **Truong LAM** and **Derek NG** drove to a large storage warehouse located at **7527 Root Road, Unit E, Spring, TX**, where they proceeded to back the vehicle up to the rolling doors and load more boxes into the back. **Truong LAM** and **Derek NG** were then followed back to **Derek NG's** residence at **14723 TC Jester Blvd, Apt 933, Spring, TX 77379**, where they both exited the vehicle and entered **Derek NG's** apartment. **Truong LAM** subsequently left **Derek NG's** apartment driving **Hein LE's** van, leaving his rental vehicle behind.

34. The following day on July 13, 2012, **Truong LAM** drove **Hein LE's** van to **SUNRISE GARDENS LTD** where his rental vehicle was now parked. **Truong LAM** ultimately parked **Hein LE's** van, entered his rental vehicle and drove away from the business. Agents

were unable to determine where **Truong LAM** delivered the equipment that he picked up from **Derek NG** the previous day.

35. Investigation reveals that **Truong LAM** rented the warehouse located at **7527 Root Road, Unit E, Spring, TX** on July 2, 2012. Surveillance shows that between July 2, 2012 and July 31, 2012 all of the hydroponic growing equipment and supplies from **SUNRISE GARDENS LTD** has been moved to **7527 Root Road, Unit E, Spring, TX**. Investigation further reveals that as of July 31, 2012, **SUNRISE GARDENS LTD** has been shut down and **Derek NG** is no longer leasing the property.

36. Surveillance of **Truong LAM** between July and August 2012 shows that he routinely visits a residence located at **3106 Palace Oaks Drive, Houston, TX**, now a confirmed marijuana grow site (see paragraph 37b, below). On August 6, 2012, surveillance showed that **Truong LAM** drove **Ida PHAM** and **Hung NGUYEN** from **Truong LAM's** residence at **2851 Wallingford Drive, Apt 1208, Houston, TX** to the residence located at **3106 Palace Oaks Drive, Houston, TX**. Upon arrival, **Truong LAM** pulled his vehicle into the garage of the residence, closing the door behind him. After remaining inside the residence for approximately one hour, **Truong LAM** drove **Ida PHAM** and **Hung NGUYEN** back to **2851 Wallingford Drive, Houston, TX**.

SEARCH WARRANTS

37. Based in part on the facts detailed above, Agents were able to obtain search warrants for the below listed residences and/or businesses. Those search warrants were executed on August 21, 2012 and the results of the searches are detailed in the following paragraphs:

a. **20207 Louetta Crossing Drive, Spring, TX**: This is the residence of **Ida PHAM** and **Hung NGUYEN**. Both were present at the time the search warrant was executed and both were arrested at that time. During the subsequent search Agents discovered

an active clandestine marijuana grow consisting of 397 living marijuana plants and all the equipment necessary to maintain the grow, including, but not limited to, grow lights, ballasts, potting soil and chemical fertilizers inside the residence.

b. **3106 Palace Oaks Drive, Houston, TX 77082:** This is a residence suspected of being utilized by **Truong LAM** for the indoor cultivation of marijuana. **Minh Quang PHAM** was present at the time the search warrant was executed and he was arrested at that time. During the subsequent search Agents discovered an active clandestine marijuana grow consisting of 188 living marijuana plants and all the equipment necessary to maintain the grow, including, but not limited to, grow lights, ballasts, potting soil and chemical fertilizers inside the residence.

c. **2851 Wallingford Drive, Apt 1208, Houston, TX:** This is the residence of **Truong LAM**. **Truong LAM** was arrested at this location pursuant to the execution of the search warrant. **Truong LAM** also consented to a search of a nearby storage facility that he has been seen by Agents to control. A search of that facility resulted in the seizure of a substantial amount of hydroponic grow equipment.

d. **20530 Sunshine Lane, Unit B, Spring, TX 77388** is the address of a business known as **GREEN EARTH SUPPLY**, a business operated under an assumed name registered at the Harris County Clerk's Office on 10/12/2011 by **Ida PHAM** and **Hung NGUYEN**. The search at this business resulted in the seizure of a large amount of hydroponic grow equipment.

e. **7527 Root Road, Unit E, Spring, TX 77389** is a warehouse located in a small commercial complex on the south side of Root Road. **7527 Root Road, Unit E, Spring, TX** is used by **Derek NG** and **Truong LAM** for storage of the hydroponic growing equipment taken from **SUNRISE GARDENS LTD**. Agents seized a large amount of hydroponic grow equipment pursuant to the execution of the search warrant there.

38. Under separate application and affidavit, Agents also obtained search warrants for numerous other residences suspected of being utilized as marijuana grow locations. Those warrants were also executed on August 21, 2012. The paragraphs below detail the results of searches conducted at some, but not all, of those grow locations that were frequented by Ida PHAM's trusted accomplices such as **Hein LE, Thang DOAN and Gioi NGUYEN**:

a. **6514 Hedgeton Court:** Hein LE and Gioi NGUYEN have been observed by Agents to come and go from this residence in a manner that indicates that each has free access to it, though neither live there. The search of this residence by Agents on August 21, 2012 resulted in the seizure of a clandestine marijuana grow consisting of 530 living marijuana plants and all the equipment necessary to maintain the grow, including, but not limited to, grow lights, ballasts, potting soil and chemical fertilizers inside the residence.

b. **19919 Redwick Court:** Thang DOAN has been observed by Agents to come and go from this residence in a manner that indicates that he has free access to it, though he does not live there. The search of this residence by Agents on August 21, 2012 resulted in the seizure of a clandestine marijuana grow consisting of 592 living marijuana plants and all the equipment necessary to maintain the grow, including, but not limited to, grow lights, ballasts, potting soil and chemical fertilizers inside the residence.

c. **25255 Piney Heights Lane:** Thang DOAN has been observed by Agents to come and go from this residence in a manner that indicates that he has free access to it, though he does not live there. The search of this residence by Agents on August 21, 2012 resulted in the seizure of a clandestine marijuana grow consisting of 401 living marijuana plants and all the equipment necessary to maintain the grow, including, but

not limited to, grow lights, ballasts, potting soil and chemical fertilizers inside the residence.

39. After her arrest, Ida PHAM waived her Miranda Rights and agreed to speak to investigators, including your Affiant. During the interview Ida PHAM stated that Derek NG is her uncle. She further admitted to being responsible for the clandestine marijuana grow contained in her residence on Louetta Crossing and to growing marijuana in the residence on Remington Heights, as detailed in paragraph 20 above. PHAM also admitted that she had gone to Truong LAM's clandestine marijuana grow on Palace Oaks to inspect the marijuana plants that he was cultivating there.

SUMMARY

40. Based on the above information, your affiant believes that **Ida PHAM** and her associates have been operating clandestine marijuana grow operations in Seattle, WA since at least 2005. Agents believe that in mid - 2011, **Ida PHAM** and her associates expanded their illicit activities into the Houston, TX area. Agents further believe that members of the organization including **Ida PHAM**, **Hung NGUYEN**, Derek NG (not arrested), **Truong LAM**, **Minh Quang PHAM** and others, moved to Houston, TX from Seattle, WA to establish indoor marijuana grow operations. Agents assert that, using their past experience, working through and with trusted accomplices such as **Hein LE**, **Thang DOAN**, **Gioi NGUYEN**, **Vinh LE** and **Dinh LE**, members of this organization have established a network of grow houses, such as those detailed in this affidavit, with the supporting front companies (GREEN EARTH SUPPLY and SUNRISE GARDENS), supply companies, storage warehouses, and living accommodations so as to allow them to work independently from previously known DTO's specializing in hydroponically grown marijuana in the Houston, TX area.

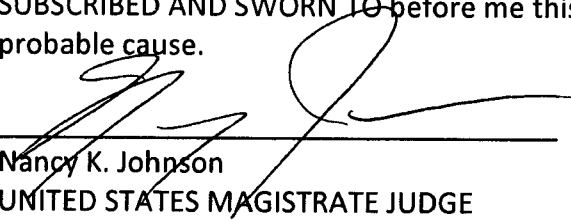
41. In addition to the seizures previously conducted as part of this investigation, on August 21, 2012, Agents executed search warrants at 60 locations, including a total of

41 clandestine marijuana grow sites. In total, over 19,000 living marijuana plants have been seized in combination, including those plants seized at **Ida PHAM** and **Hung NGUYEN**'s residence on Louetta Crossing, and; **Truong LAM**'s grow operation on Palace Oaks where **Minh Quang PHAM** was arrested. Based on the facts enumerated in this affidavit, I believe that probable cause has been established that supports charging **Ida PHAM, Hung NGUYEN, Truong LAM** and **Minh Quang PHAM** with violations of federal law, to wit Title 21 USC § 841 and § 846, to wit, to knowingly and intentionally manufacture, distribute, or possess with the intent to manufacture, distribute, or dispense 1000 or more marijuana plants and conspiracy.



Darren Butler, Special Agent
Drug Enforcement Administration

SUBSCRIBED AND SWORN TO before me this 22nd day of August, 2012, and I find probable cause.



Nancy K. Johnson
UNITED STATES MAGISTRATE JUDGE